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**A TECHNIQUE FOR PRODUCING, THROUGH WATERMARKING, HIGHLY
TAMPER-RESISTANT EXECUTABLE CODE AND RESULTING
"WATERMARKED" CODE SO FORMED**

BACKGROUND OF THE DISCLOSURE

1. Field of the Invention

5 The invention relates to a technique including
both apparatus and an accompanying method, for forming
and embedding a hidden highly tamper-resistant
cryptographic identifier, i.e., a watermark, within
non-marked computer executable code, e.g., an application
10 program, to generate a "watermarked" version of that
code. This technique can also be used to tightly
integrate, in a highly tamper-resistant manner, other
pre-defined executable code, such as security code, as
part of the watermark, into the non-marked code in order
15 to form the watermarked code.

2. Description of the Prior Art

20 Over the past decade or so, personal computers
(PCs) have become rather ubiquitous with PC hardware and
software sales experiencing significant growth. However,
coincident with an ever widening market for PCs,
unauthorized copying of PC software, whether it be
application programs or operating systems, continues to
25 expand to rather significant proportions. Given that in
certain countries sales lost to such copying can
significantly exceed legitimate sales, over the years

software manufacturers have attempted to drastically reduce the incidence of unauthorized copying though, practically speaking, with only limited success.

5 One such technique, probably one of the oldest techniques used and usually rather ineffective, is simply to append a copyright and other legal proprietary rights notices to object code as distributed on mass (magnetic or optical) media. The intention in doing so is to deter
10 unauthorized copying by simply placing a third party on notice that a copy of the program, embodied by that code, is legally protected and that its owner may take legal action to enforce its rights in the program against that party to prevent such copying. These notices can be
15 readily discovered in program code listings and simply excised by the third party prior to copying and distributing illicit copies. Other such notices can be excised by a third party adversary from the software media itself and the program packaging as well. Though
20 these notices are often necessary in many jurisdictions to secure full legal remedies against third parties, in practice, these notices have provided little, if any, real protection against third party copying.

25 Another technique that is recently seeing increasing use is to require a PC, on which the program is to execute, to hold a valid digital "certificate" provided by the manufacturer of the program. The certificate will typically be loaded as a separate step
30 during manufacture of the PC. During initialization, the program will test the certificate and confirm its

authenticity and validity. If the certificate is authentic and valid, the program will continue to execute; otherwise, the program will simply terminate. Unfortunately, the certificate and associated testing routines are often very loosely bound to the remainder of the program code. Currently available software analysis tools can display execution flow among program instructions in a program under test. Consequently, with such tools, a programmer, with knowledge of an operational sequence implemented by the program and by analyzing a flow pattern inherent in that program, as it executes, can readily discern the program code that implements a certificate testing function. Once this code is detected, the programmer can readily excise that portion from the program itself and simply modify the remaining program code, by, e.g., by inclusion of appropriate jump instruction(s), to compensate for the excised portion; thus, totally frustrating the protection which the certificate was intended to provide against unauthorized copying. Once having done so, a third party adversary can then produce and distribute unauthorized, but fully executable, copies of the program free of all such protection. Thus, in practice, this approach has proven to be easily compromised and hence afforded very little, if any, real protection against illicit copying.

Other techniques have relied on using serialized hardware or other hardware centric arrangements to limit access to a program to one or more users at one particular PC and preclude that program from being loaded onto another PC. Generally, these

techniques, often referred to as "copy protect" schemes and which were popular several years ago, relied on inserting a writeable program distribution diskette, such as a floppy diskette, into a PC and then, during
5 execution of an installation process from that diskette, have that PC store machine specific data, such as a hardware identification code, onto the diskette. Thereafter, during each subsequent installation of the program, an installation process would check the stored
10 machine specific data on the installation diskette against that for a specific PC on which the program was then being installed. If the two pieces of data matched, installation would proceed; otherwise, it would prematurely terminate. Unfortunately, such schemes,
15 while generally effective against unauthorized copying, often precluded legitimate archival copying as well as a legitimate installation of the program on a different PC. In view of substantial inconveniences imposed on the user community, such "copy protect" schemes quickly fell into
20 disuse and hence were basically abandoned shortly after they first saw widespread use. Moreover, any such technique that relies on storing information on the distribution media itself during program installation is no longer practical when today software is distributed on
25 massive read-only optical media, such as CDROM or, soon, digital video disk (DVD).

Therefore, given the drawbacks associated with copy protect and certificate based schemes, one would
30 think that embedding an identifier of some sort into a program, during its manufacture and/or installation and

subsequently testing for that identifier during subsequent execution of an installed version of that program at a user PC, would hold promise.

5 However, for such an identifier based approach to be feasible, a need exists in the art for an identifier, such as a watermark, that can be tightly integrated into a program itself such that the watermark would be extremely difficult, if not effectively
10 impossible, for a third party to discern, such as through flow analysis, and then circumvent, such as by removal.

 In particular, such a watermark could be embedded in some fashion into a non-marked program.
15 Then, subsequently, at runtime of an installed version of that program at a user PC, a "secret" key(s) based cryptographic process could be used to reveal the presence of and test the watermark. The key(s) would be separately stored down, to the PC, as a software
20 value(s). If the correct watermark were then detected, execution of the installed program would continue; else, execution would halt. Fortunately, such an approach would likely impose essentially no burden on, and preferably be totally transparent to, the user, and not
25 frustrate legitimate copying.

 If such an identifier could be made sufficiently impervious to third party detection and tampering, then advantageously its use, with, for
30 example, such an approach, may well prove effective, in practice, at reducing unauthorized third party copying.

SUMMARY OF THE INVENTION

Our present invention advantageously satisfies this need and overcomes the deficiencies in the art through a watermark, containing, e.g., a relatively large number of executable routines, that is tightly integrated into a flow pattern of non-marked executable code, e.g., an application program, through randomly establishing additional control (execution) flows in the executable code and inserting a selected one of the routines along each such flow. Since a resulting flow pattern of the watermark is highly intertwined with (tightly spliced into) the flow pattern of the non-marked code, the watermark is effectively impossible to either remove from the code and/or circumvent. Furthermore, the code for the routines themselves is added in such a manner that the flow pattern of resulting "watermarked" code is not substantially different from that of the non-marked code. Hence, the watermark is also extremely difficult for a third party adversary to discern using, e.g., standard flow analysis tools and human inspection.

Advantageously, to enhance tamper-resistance of the watermarked code, each routine, that constitutes a portion of the watermark, can provide a pre-defined function such that, if that routine were to be removed from the marked code by, e.g., the third party adversary, then the marked code will prematurely terminate its execution.

In accordance with our specific inventive teachings, unmarked executable code which forms, e.g., an application program that is to be watermarked is first converted, using a conventional software flow analysis tool, into its corresponding flow graph. Predefined security code, typically constituting specific predetermined executable software code, is also converted, through use of the same tool, into its corresponding flow graph. The security code can itself constitute, for example: specific "watermark" code, i.e., executable code having as its primary, if not sole, purpose to form a portion of a watermark (i.e., distinct from the application program itself); a complete image of the entire application program itself; or just a portion of that program. In that regard, the unmarked executable code and the security code can each be formed of a different half of a common application program.

Thereafter, each of the flow graphs is k-partitioned to yield cluster flow graphs G' and H' , respectively (where k is a pre-defined integer, such as illustratively 1000 for a large application program then being watermarked), each having k clusters of nodes (each being a partition). M edges (links) (where M is typically a large pre-defined integer, such as illustratively 500,000 for that application program) are collectively inserted between corresponding pairs of randomly selected nodes in: (a) graphs G' and H' ; and, where desired, (b) different clusters solely in graph G' , and/or (c) different clusters solely in graph H' . For each edge, a routine is selected from a pre-defined

library, based on, e.g., minimizing adverse affects on
program flow, and its designation is inserted along that
edge in the flow graph(s), specifically at one of the
nodes associated with that edge. All the edges
5 collectively and effectively splice clustered flow
graphs G' and H' together into a single combined flow
graph. Executable code is then produced which
corresponds to that depicted in the single combined flow
graph. The watermark is collectively defined by the
10 routines and edges that have been inserted into the
unmarked code.

One illustrative heuristic for selecting each
specific pair of nodes, in, e.g., cluster graphs G' and
15 H' that are to be joined by an edge, is as follows.
First, randomly pick a node, U , in graph G' . With λ
being pre-defined as equaling (a number of edges that are
to transit between G' and H')/(a number of edges
connected to U), then, with a probability of $1-\lambda$,
20 randomly choose a node, Y , in graph H' . Then, with a
probability of λ , randomly choose a node, Z other than U ,
in graph G' . Finally, provide, as output, designations
of nodes Y and Z as a nodal pair.

25 During subsequent edge insertion, connect the
nodes for that edge together, e.g., nodes Y and Z , so as
to insert an edge extending between cluster flow
graphs G' and H' . Based on proper program flow, insert
an appropriate routine from the library along that edge
30 and at an appropriate node, in a graph, for that pair.

Repeat these node selection and insertion steps until all
M edges and designations for associated routines are
collectively added to cluster graphs G' and H' so as to
fully splice both graphs and the associated routines into
5 a single combined flow graph. Parameters k , M and λ are
preferably kept in secret.

Each of these routines is predetermined,
usually quite compact, requires relatively little
10 execution time and executes a pre-defined, often
self-contained operation, such as, e.g., computing a
cryptographic key for use in printing or decoding a
variable, or decrypting a ciphered variable. Each of the
operations is chosen so as not to require much processing
15 time; thus, not noticeably degrading execution of the
watermarked program. Collectively, the routines that are
inserted are such that, for proper execution of the
watermarked program, they must all be executed and, to a
certain extent, in a given sequence. In that regard, if
20 any one or more of these routines is removed from the
watermarked program, such as by a third party adversary,
that program will gracefully terminate its execution.

To further frustrate its detection, the code
25 for all the inserted routines is collectively scattered
approximately uniformly throughout the "watermarked"
program as that program is being constructed from its
combined flow graph. In this manner, the routines will
not be centralized in any one portion of the watermarked
30 program. Furthermore, each of these routines is written

with standard code "obfuscation" techniques to further camouflage their functionality.

Advantageously, as a feature, the present invention can securely watermark any executable code, whether it forms, e.g., an application program, an operating system (O/S) or a software module.

BRIEF DESCRIPTION OF THE DRAWINGS

The teachings of the present invention can be readily understood by considering the following detailed description in conjunction with the accompanying drawings, in which:

FIG. 1 depicts a simplified high-level block diagram of conventional watermarking process 100;

FIG. 2 depicts a simplified and illustrative flow graph produced through conventional program flow analysis;

FIG. 3 depicts a simplified high-level block diagram of our inventive technique for securely watermarking software;

FIG. 4 depicts a detailed block diagram of our inventive technique shown in FIG. 3;

FIG. 5 depicts table 500 of illustrative portions of a code image that can be applied as separate

inputs to our present invention for watermarking that entire code image;

FIG. 6 depicts illustrative edge and associated routine insertion in cluster flow graphs G' and H' that can arise from use of our present inventive technique, and resulting execution (control) flow among various routines, one of which having been inserted;

FIG. 7 depicts a high-level block diagram of computer system 700, illustratively a personal computer (PC), that can be used to implement our present invention;

FIG. 8 depicts a high-level flowchart of watermarked code generation procedure 800 that is executed by computer system 700 to implement our present invention;

FIG. 9 depicts correct alignment of the drawing sheets for FIGs. 9A and 9B;

FIG. 9A and 9B collectively depict a high-level flowchart of edge insertion procedure 900 that is executed as part of procedure 800 shown in FIG. 8; and

FIG. 10 depicts a flowchart of node selection procedure 1000 which is executed as part of procedure 900 shown in FIG. 9.

To facilitate understanding, identical reference numerals have been used, where possible, to designate identical elements that are common to the figures.

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DETAILED DESCRIPTION

After considering the following description, those skilled in the art will clearly realize that the teachings of our present invention can be utilized in a wide range of applications for generating and incorporating a pre-defined watermark into nearly any type of computer executable code, i.e., a non-marked program (or a portion of it), or for that matter into any software object, such as an audio file, containing, e.g., music, or a video file, containing, e.g., a movie, that is to be watermarked. Through this technique, substantial tamper resistance can be imparted to the marked object itself; and other executable code, such as a pre-defined executable security code or a pre-defined executable, can be tightly integrated into the non-marked object in a manner which assures that a resulting watermarked object, which contains both the non-marked object and the watermark, is itself substantially tamper-resistant.

To clearly elucidate the invention and facilitate reader understanding, by way of background, we will first very briefly describe well known, though separate concepts of watermarking and program flow analysis. Thereafter, we will discuss our present

invention in the context of its use for imparting a watermark, specifically implemented through pre-defined executable code, into a non-marked application program intended for subsequent execution on a personal computer (PC). During the course of this discussion, we will address the overall constituents of the watermark and its variations.

A. Overview

1. Watermarking

FIG. 1 depicts a simplified high-level block diagram of conventional watermarking process 100. In essence, an object, O, to be protected, whether it be a printed image, a document, a piece of paper currency or some other such item, is applied, as symbolized by line 105, to marking process 110 situated at an originating location. This process creates a watermark and embeds it in the object to create a watermarked object, O'. The watermarked object is then eventually transported through insecure channel 115, whether it be, e.g., transit through a public carrier or, as in the case of currency, public distribution, to a destination location. In a typical situation, a malicious attacker may intercept watermarked object O', as it travels through channel 115, and try to remove the watermark from O' by subjecting O' to his or her own transformations. Thus, an object, O" ultimately received at a destination location, may not be exactly the same, as what it was, i.e., O', when sent. At the destination, the watermarked

object O" (if a third party attempted to modify the object) or O' (if the object was not modified) is subjected to watermark recovery process 130 which attempts to recover the watermark from the object and, based on a result of the recovery process, indicates, as symbolized by output line 135, whether the watermark is present or not in the relevant object. This indication can be used to signify whether the received watermark object, then situated, as symbolized by line 120, at the destination is legitimate or not. Since the legitimacy of the document is directly governed by the security of the watermark, the watermark itself must be as difficult as possible for a third party to copy or alter.

2. Program flow analysis

FIG. 2 depicts a simplified and illustrative flow graph produced through conventional program flow analysis.

In essence and to the extent relevant, flow analysis, as symbolized by arrow 215, transforms executable code, such as program listing 210, into a connection graph, such as graph 220. Each node within the graph represents a separate instruction in the code, with typically a first such instruction encountered in the code represented by an uppermost ("root") node. Here, separate instructions in listing 210 are graphically represented by nodes 225 having separate illustrative nodes 225₁, 225₂, 225₃, 225₄, 225₅, 225₆, 225₇, 225₈, 225₉, 225₁₀ and 225₁₁. Execution flow from one

instruction to another is indicated by a line (commonly and hereafter referred to as an "edge" or link) that connects the two nodes representing these particular instructions. As shown, instructions represented by nodes 225₁ and 225₂ are connected by edge 230₁ thereby indicating that execution flow transits between these nodes, e.g., from the instruction represented by node 225₁ to that represented by node 225₂. Similarly, nodes 225₂ through 225₁₁ are collectively connected by edges 230₂ through 230₁₃. The specific nodes and their interconnecting edges, which form a collective pattern, graphically depict the execution flow among the illustrative instructions in associated executable code, here represented by nodes 225₁ through 225₁₁ within program listing 210.

Illustrative graph 220 is quite small and greatly simplified. In actuality, with relatively large application programs, corresponding flow graphs can become extremely large, with a substantial number of nodes and edges, and graphically depict highly complex execution flows.

Advantageously, the present invention is independent of any particular technique through which flow analysis is effectuated and, in all likelihood, will properly function with any one of a wide variety of techniques provided that only one such technique is consistently used throughout any single implementation of the present invention. Hence, for brevity, we will omit all details of how flow analysis is actually performed to

yield a corresponding flow graph for associated executable code.

In a similar way to the program control flow graph, one can assign a data flow graph to given code. Clearly, our invention can function with any type of flow graph assigned to such code, regardless of whether that graph is associated with data and/or control flow.

B. Inventive software watermarking technique

1. Process overview

FIG. 3 depicts a simplified high-level block diagram of our inventive technique for securely watermarking software.

In essence, our present invention produces a watermark, illustratively containing a large number of separate executable routines, that is tightly integrated into a flow pattern of non-marked executable code, e.g., an application program, through randomly establishing additional execution (control) flows in the executable code and inserting a selected one of the routines along each such flow. Our invention can generate and embed such a watermark in substantially any executable code, such as an application program, an operating system (O/S) or a software module. For purposes of illustration, we will assume, as noted above, this code is an application program for execution on a PC.

Specifically, as shown, unmarked executable code, X, that forms, e.g., an application program that is to be watermarked, is applied to watermark code generation process 300. Process 300 first generates, through conventional flow analysis tool 310 corresponding flow graphs for this code. In actuality, this process, as implemented, in a PC (or other computer system) will generate a representation of each such graph. For simplicity, the term "graph", as used herein, is now defined to encompass not only the graph itself but also all digital and other electronic representations thereof. As will be described below in conjunction with FIGs. 4 and 5, code X can contain not only the non-marked application code itself but also other executable code, such as pre-defined security code, that is to be spliced into the non-marked application code.

Once the flow graphs are generated, those graphs are applied to watermark code generator 320. Generator 320 randomly selects pairs of nodes in both of the flow graphs, inserts an edge (i.e., to establish an execution flow) between the nodes in each pair and also inserts a pre-defined routine (both collectively viewed as an executable "procedure") (r_i) from library 330 (having routines 330₁, 330₂, ... collectively labeled as r) at an appropriate one of the nodes in each such pair; thus, ultimately forming a single combined flow graph produced by generator 320. By this we mean the following. Code segments associated with routine r_i are added to the original program X so that the behaviour of the program in terms of its input and output as well as

functionality are almost the same as the original program. Further, these segments are designed to appear as if they are a normal part of original code X so that these segments are not readily apparent, unless the
5 attacker expends considerable effort to understand the code and its behaviour. An illustrative implementation could be that, e.g., routine r_{i+1} is called by some code to alter data or variables (or code) in some segment and later after some execution routine r_{i+2} is called to
10 reverse this change. Without the reversal, the watermarked program would fail to operate normally. The flow graphs of the code for the inserted routine may encode additional information which itself may also be a part of the watermark. The information in the watermark
15 may also be in various components of H' , which is discussed below.

Now, we will describe an exemplary
implementation of how one may embed information in a flow
20 graph that has a distinguished start node and where the nodes are canonically labeled using some scheme (e.g., by integers, short binary strings or elements from a finite field). From the distinguished node, one may traverse the graph using any one of many conventional traversal
25 schemes which visit all the nodes in a predetermined sequence. Illustrative ways of doing so include depth first search and breadth first search. Here, we may modify nodal ordering using a pseudo-randomized strategy. For example, where the traversal is at a particular node
30 and when deciding which node to visit next, some possible candidates may be pseudo randomly selected for omission.

5 This provides some resilience inasmuch as an attacker
changing the code and the associated flow graph may not
know which candidates are omitted and included. Further,
the non-omitted candidates may be pseudo randomly ordered
and then visited in that order. Any such traversal will
yield a sequence (order) of nodes visited, and their
nodal labels in that order will yield a parameter, i.e.,
a specific code (so as not to confuse the reader, the
term "code" here is being used in a cryptographical sense
and not referring to software code) that represents the
graph. We may use more than one traversal. The parameter
is likely to be distinct for each graph and its canonical
labeling. To further enhance the resilience, an error
correction procedure may be applied over this parameter,
for example, using majority logic decoding procedures or
algebraic coding procedures. In the latter case, the
graphs and the labeling, and the pseudo-random choices
may need to be pre-configured so that the error
correction may be applied meaningfully. Then, the output
of a decoding process (or a decryption process using a
cipher that employs a key derived from the watermark key)
would be a message, decrypted using a secret key that is
embedded in the graph. The distinguished node may not be
easily identifiable by an attacker who does not know the
secret, whereas given the secret key one can readily
identify the distinguished node. In particular, one
method to accomplish this would be that while in the
detection phase one tries each possible candidate node
and tries to find an associated code of a subgraph of
certain fixed size that contains that node as a root. If
a resulting derived parameter appears meaningless or an

attempt to recover the parameter fails for some reason,
one concludes there are no watermarks; else, we conclude
that there is a watermark. Examples of such parameters
(cryptographic codes), which are well known in coding
theory are described in, e.g., J.H Van Lint, Introduction
to Coding Theory, (© 1998, Springer Verlag).

Furthermore, any pseudo-random number generator
needs a secret random key which may be derived from a key
used for watermarking using any one of many conventional
ways. For example, to derive numeric key k_1 from secret
key S , we can use $k_1 = \text{HASH}(S, 1)$, where HASH may be a
collision resistant hash function such as MD5 or SHA1.
For a description of these functions, the reader is
referred to A. J. Menezes et al, Handbook of Applied
Cryptography, (© 1997; CRC Press, LLC).

The watermark is collectively defined by the
routines and edges (the latter collectively implementing
a pattern of associated execution flows) that have been
added to the unmarked code and, where used, any
cryptographic parameter that is detected from
corresponding graphs.

Thereafter, generator 320, using the unmarked
code and code for routines r , assembles the marked
executable code, for the program, from that represented
by the combined flow graph. The resulting marked
executable code is watermarked code X' , here being a
watermarked application program.

Since the flow pattern of the watermark is highly intertwined with (tightly spliced into) the flow pattern of the non-marked code, the watermark is effectively impossible to either remove from the
5 watermarked code and/or circumvent. Furthermore, since the code for the routines themselves is added in such a manner that the flow pattern of resulting watermarked code is not substantially different from that of the non-marked code, the watermark is also extremely
10 difficult for the third party adversary to discern using, e.g., standard flow analysis tools.

To enhance tamper-resistance of the watermarked code, each routine, that constitutes a portion of the
15 watermark, can provide, as discussed above, a pre-defined function such that if that routine were to be removed from the marked application code by, e.g., a third party adversary, then that application will prematurely terminate its execution.

Each of these routines is pre-defined, as noted above. They are usually quite compact in size (i.e., contain a relatively small number of instructions) and executes a pre-defined "small", often self-contained
25 operation (task), such as, e.g., computing a cryptographic key for use in printing or decoding a variable, decrypting a ciphered variable, encrypting a variable or data value prior to either its use or storage, and/or validating either a stored parameter or
30 an input value. Each of these operations is chosen so as not to require much processing time; thus, not noticeably

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degrading execution of the application program itself. Multiple routines could be inserted to provide a combined functionality. In that regard, one such routine can be inserted in the program flow to encrypt a plaintext data value into an enciphered value, and another routine could be inserted into that flow at an appropriate location to decrypt the enciphered value immediately before the application program needs to use the plaintext data value. Collectively, the routines are preferably such that, for proper execution of the marked program, they must all be executed and, to a certain extent, in a given sequence. In that regard, if any one or more of these routines is removed from the watermarked application program, such as by a third party adversary, then that program will gracefully terminate its execution.

To further frustrate its detection, the code for all the inserted routines is collectively scattered approximately uniformly throughout the watermarked application program as generator 320 constructs that program from the combined flow graph. In this manner, the routines will not be centralized in any one portion of the watermarked program. Furthermore, each of these routines is written with conventional standard code "obfuscation" techniques to further camouflage their functionality.

2. Detailed process depiction

With the above in mind, FIG. 4 depicts a detailed block diagram of our inventive technique, with

FIG. 5 depicting table 500 of illustrative code portions that can be applied as separate inputs to our technique. To simplify understanding, the reader should simultaneously refer to both of these figures throughout the following discussion.

Non-marked executable code, e.g., an application program, that is to be watermarked through process 300 is split into two portions and separately applied as input code portions G and H on input lines 403 and 407, respectively. These portions, as shown in table 500, can illustratively comprise two identical images of the same non-marked code, two different halves of the same non-marked code, and a complete image of that code and the security code. Since the partitioning of the non-marked code is not critical, other fractional partitioning of the non-marked code can be used instead, such as illustratively 1/4 and 3/4 of the image for portions G and H, respectively, and with or without inclusion of the security code. The security code can also contain specific "watermark" code, e.g., executable code distinct from the non-marked application program, which, as its primary, if not sole, function, forms a portion of the watermark (or, as described below, provides other functionality totally apart from that of the application program). The security code can also be duplicated or fractionally partitioned, as desired, across both code portions G and H.

Within process 300, code portions G and H are applied to flow analyzer 310 and specifically subjected

to corresponding flow analysis operations 413 and 417, to
yield corresponding flow graphs \tilde{G} and \tilde{H} , respectively.
Both flow analysis operations employ the same
conventional flow analysis technique. Both of these flow
5 graphs are then routed to partitioner 420 where flow
graphs \tilde{G} and \tilde{H} are kpartitioned, via corresponding
kpartitioning operations 423 and 427, to yield cluster
flow graphs G' and H' , respectively. A k-partitioning
algorithm decomposes its input into k pieces where each
10 piece has approximately a same number of nodes, and a
number of edges between the pairs of pieces is as small
as possible and approximately the same. It can be
heuristically assumed that a graph over the partitioning
has a fairly rich structure, for example, as a randomly
15 generated graph having a same number of nodes and edges.
In fact, any partitioning of the original graph will
suffice for use with our invention, with that described
herein being only one such example. Both of the
kpartitioning operations are identical and can be
20 implemented by any one of a wide variety of conventional
partitioning techniques. Each of the resulting cluster
flow graphs contains k clusters (each cluster being a
"partition") of nodes where k is a pre-defined "secret"
value (illustratively 1000 for a large application
25 program having tens of Mbytes of instructions though the
exact value of k is not critical) provided, as symbolized
by line 421, as input to process 300. Partitioning the
flow graphs in this fashion renders the resulting cluster
flow graphs more manageable over flow graphs \tilde{G} and \tilde{H}
30 while increasing complexity of the cluster graphs over

that of the nonpartitioned flow graphs. Generally, cluster size (inverse of k) is selected such that interaction between different clusters, during program execution as shown by the corresponding flow graphs, is relatively low. An identical cluster size is used by partition operations 423 and 427.

Resulting cluster flow graphs G' and H' are then routed, as symbolized by lines 433 and 437, as input to edge definition operation 440. This operation establishes edges between nodes in different clusters in graphs G' and H' , and, where desired, different clusters solely in graph G' and solely in graph H' . To so do, operation 440 randomly selects, based on secret input parameter λ (where $0 \leq \lambda \leq 1$), M pairs of nodes, collectively spanning the desired clusters, and inserts an edge linking the nodes in each such pair, where M is also a "secret" value (typically a large pre-defined integer, such as illustratively 500,000 for a large application program having on the order of tens of Mbytes of instructions though the exact value of M is not critical). An illustrative algorithm for selecting these nodes, based on λ , will be described below in conjunction with FIG. 10. These nodal pairs will include those pairs having one node in a cluster in graph G' with the other node in a cluster in graph H' and, if desired, those pairs with both nodes in different clusters solely within graph G' and/or both nodes solely within different clusters within graph H' .

As each edge is established by operation 440, designations of the nodes associated with that edge are applied both to watermark generator 450 and to routine selector 470. Selector 470, given the location of each of these nodes within the execution flow of the application program, will select an appropriate routine from library 330 (r), specifically routines r_1 (also designated 330₁), ..., routine r_n (also designated 330_n) that is to be inserted along that edge and a specific node on that edge at which that routine is to be inserted. The routines so inserted alter the data or variables locally and create data dependencies that can not be easily analyzed with a data flow analysis program. For example, routine r_1 inserted in G' may place a call (and cause data dependencies using a random looking but efficiently inverted operation) to a copy of routine r_2 inserted in H' where this call is associated with an edge inserted, as described below, from G' to H' . A variable altered in r_2 may be subject to a transformation that undoes that alteration, but also in an easily inverted but random looking operation. For example, routine r_3 may compute a check-sum of a pre-defined code segment and write that sum into a variable in another segment where, e.g., routine r_5 is inserted (routine r_3 may also check it against a given value to see if the pre-defined code segment has been altered). A label (or other programming designation) of the selected routine is applied, as symbolized by line 475, by selector 470, to one input of watermark generator 455. The selected routine and the specific node at which that routine is to be inserted are such that the inserted routine will impart minimal, if

any, adverse affect on execution of the application
program at that point in the program flow. In addition,
since there are likely to be far fewer routines in
library 330 than there are edges inserted into graphs G'
5 and H', each routine within library 330 is selected
approximately the same number of times for insertion into
the non-marked application program.

Generator 450, in addition to receiving, as
10 input, the label of the selected routine, also receives,
as symbolized by line 445, for each inserted edge,
identification of the nodes for that edge, and, as
symbolized by lines 433 and 437, cluster flow graphs G'
and H'. With this input information, generator 450
15 inserts the edge into cluster flow graphs G' and H' (or
either one of these graphs as appropriate) to span the
nodal pair and also inserts the selected routine at one
of these two nodes. The insertion process is
simplistically represented by combiner 455. All the
20 edges collectively and effectively splice the two
clustered flow graphs G' and H' together into a single
combined flow graph J which appears at an output of
generator 450 and is routed, as symbolized by line 457,
to code generator 460. Executable code is then produced,
25 by generator 460, which corresponds to that depicted in
the combined flow graph J. Generator 460 is conventional
in nature. In essence, generator 460, in response to the
actual code for program portions G and H, appearing on
respective lines 403 and 407, and the code for all the
30 selected routines appearing on line 485, completely
assembles executable code to fully implement the flow

depicted in combined flow graph J and thus produce, on
output line 490, a new, though marked, executable
version, X', of the application program. To frustrate
third party detection of any of the inserted routines,
5 generator 460 distributes the associated code for these
routines approximately uniformly throughout the marked
program such that the flow patterns for the marked and
non-marked versions of the application program do not
substantially differ from one another.

10 As noted above, the watermark is collectively
defined by the routines and edges (the edges collectively
implementing a pattern of associated execution flows)
that have been added to the unmarked code and, when used,
15 any parameter (cryptographic code) that is detected from
corresponding graphs using, e.g., the procedures (e.g.,
with or without error correction) described above. By
virtue of the manner through which the edges and routines
are inserted as well as a relatively large number of such
20 inserted edges, the resulting flow pattern for the marked
program is sufficiently complex such that the watermark
can not be readily discerned by a third party adversary.

To fully appreciate resulting execution
25 (control) flow among various inserted routines, consider
FIG. 6. This figure depicts illustrative edge and
associated routine insertion in cluster flow graphs G'
and H', and resulting control flow among various inserted
routines. For simplicity, this figure only shows one
30 inserted edge; though, in actuality, a considerable

number of edges will be inserted in a non-marked application program.

Graphs G' (also denoted 610) and H' (also denoted as 620) contain illustrative clusters 613, 615 and 617; and 623, 625, 627 and 629, respectively. For simplicity, only a few of the clusters in each graph are explicitly shown. Each of these clusters, excluding the code for the associated routine, represents a relatively large block of code in the non-marked application program. Specifically, clusters 623, 625 and 613 represent code blocks P_1 , P_2 and P_3 , respectively.

Assume that watermark generator 450 (see FIG. 4) has inserted, as shown in FIG. 6, routine r_1 (also denoted as 330₁) within code block P_3 , and that routines t_1 and t_2 located in code blocks P_1 and P_2 , respectively, are preexisting within the non-marked application program. Execution would normally flow in the non-marked application program itself, without any diversion, via edge 650, just from routine t_1 directly to routine t_2 .

Edge definition operation 440 (see FIG. 4) has inserted edge 630, as shown in FIG. 6, that spans a nodal pair having separate selected nodes within G' and H' and specifically one node, in that pair, within code block 613 and another node, in that pair, in code block 623. Here, as is typical, executable code for routine r_1 is inserted at a node, in the pair and in block P_3 , remote from the other node, in the pair and

located in block P_1 , situated within a normal execution flow of the non-marked application program. As such, execution will flow from routine t_1 in block P_1 , via edge 630 and in a direction indicated by dashed line 635, to routine r_1 in block P_3 and, once this routine has completed its execution, will return, along this edge and in a direction shown by dashed line 640, back to block P_1 . From there, execution will follow its normal flow, within the application program and specifically via edge 650 and in a direction shown by dashed line 655, to routine t_2 in block P_2 . Thus, as one can appreciate, execution flow of the non-marked application program, as modified by our inventive technique to yield the watermarked program, will be repeatedly diverted from its normal path, i.e., that associated just with the non-marked program, to execute each of the inserted routines.

To further thwart detection of any inserted routine (such as routines r_1 through r_4), executable code that implements that routine (including appropriate jump instructions) can itself be diffused (scattered in a noncontiguous fashion, i.e., in noncontiguous locations) throughout an entire corresponding code block for a cluster, or even across multiple blocks for multiple clusters, in the non-marked application program rather than contiguously in an address space associated with or appended to a single block. Such scattering need not occur on an equal rate (e.g., two instructions of the inserted routine per every 200 instructions of the non-marked application program) throughout the block.

Incoming information can arise from two illustrative external sources: network supplied information, e.g., from the Internet and/or other networked facility, through network connection 755 to communications interface 750, or from a dedicated input source, via path(es) 710, to input interfaces 720. Dedicated input can originate from a wide variety of sources, e.g., via a dedicated link or an external source. In addition, input information can also be provided by inserting a diskette containing an input file(s) (G and H) of non-marked code and, where applicable, security code portions into diskette drive 734 from which computer 700 will access and read that file(s) from the diskette. Input interfaces 720 contain appropriate circuitry to provide necessary and corresponding electrical connections required to physically connect and interface each differing dedicated source of input information to computer system 700. Under control of the operating system, application programs 739 may exchange commands and data with the external sources, via network connection 755 or path(es) 710, to transmit and receive information, to the extent needed if at all, during program execution.

Input interfaces 720 also electrically connect and interface user input device 795, such as a keyboard and mouse, to computer system 700. Display 780, such as a conventional color monitor, and printer 785, such as a conventional laser printer, are connected, via leads 763 and 767, respectively, to output interfaces 760. The output interfaces provide requisite circuitry to

electrically connect and interface the display and
printer to the computer system. As one can appreciate,
our present inventive software watermarking technique can
be used to watermark any type of code regardless of the
modalities through which PC 700 will obtain, store and/or
communicate that code.

Furthermore, since the specific hardware
components of PC 700 as well as all aspects of the
software stored within memory 735, apart from the various
software modules, as discussed below, that implement the
present invention, are conventional and wellknown, they
will not be discussed in any further detail.

4. Software

FIGs. 810 collectively depict high-level
flowcharts of salient software procedures (modules),
which execute on PC 700, for implementing our present
invention, with specifically FIG. 8 depicting a
high-level flowchart of watermarked code generation
procedure 800. This process implements the process
provided by watermarked code generation process 300 shown
in FIG. 4. For ease of understanding, the reader should
simultaneously refer to both FIGs. 4 and 8 throughout the
following discussion.

Upon entry into procedure 800, execution first
proceeds to block 810. This block, when executed, reads
input values of secret parameters k , M and λ .
Thereafter, execution proceeds to block 820 which reads

input code portion G and then performs flow analysis on
that portion to yield corresponding flow graph \tilde{G} . Once
this flow graph is fully produced, then execution
proceeds to block 830 which reads input code portion H
5 and then performs flow analysis on that portion to yield
corresponding flow graph \tilde{H} . Blocks 820 and 830
implement flow analysis operations 413 and 417,
respectively. After cluster flow graph \tilde{H} is fully
produced, block 840 is executed to kpartition flow
10 graph \tilde{G} into cluster flow graph G' . Thereafter,
block 850 is executed to kpartition flow graph \tilde{H} into
cluster flow graph H' . Blocks 840 and 850 implement
kpartitioning operations 423 and 427, respectively. Once
block 850 fully executes, execution then proceeds to
15 block 860.

Block 860, when executed, invokes edge
insertion procedure 900 (to be discussed below in
conjunction with FIGs. 9A and 9B) to randomly insert M
20 separate edges and routines collectively between clusters
in graphs G' and H' , and, if desired, different clusters
solely within each of graphs G' and H' , to yield single
combined flow graph J. This procedure, which implements
edge definition operation 440, provides: random selection
25 of nodes in both and, where desired, either one of the
cluster flow graphs G' and H' to form nodal pairs;
insertion of edges to connect each such nodal pair; and
selection of a proper routine for insertion along the
edge defined by each nodal pair and selection of a

particular node in that pair at which that routine is to be inserted.

Once procedure 900 fully executes, execution
5 proceeds to block 870, which implements code
generator 460. This block, using input code portions G
and H, and library 330, constructs executable code
corresponding to the representation depicted in combined
flow graph J. In addition, block 870 distributes, as
10 noted above, the code for the individual inserted
routines approximately uniformly throughout the
executable code. Once this executable code is fully
generated, execution passes to block 880 which simply
provides this code as output watermarked code.
15 Thereafter, execution exits from procedure 800.

FIG. 9A and 9B collectively depict a high-level
flowchart of edge insertion procedure 900 that is
executed as part of procedure 800 shown in FIG. 8; the
20 correct alignment of the drawing sheets for FIGs. 9A and
9B is shown in FIG. 9.

As shown in FIGs. 9A and 9B, upon entry into
routine 900, execution first proceeds to block 905 which,
25 when executed, initializes contents of counter i to one.
Thereafter, execution proceeds to a loop formed of
blocks 910 through 960 to: randomly select nodes that are
to form nodal pairs; select a proper routine for
insertion at an edge defined by each such nodal pair and
30 select a particular node in that pair at which that

though with each node in a different cluster, as endpoints for edge(i). Alternatively, if edge(i) is to be inserted that spans both graphs G' and H', then decision block directs execution, via path 918, to block 930. Block 930 selects, typically randomly and illustratively through invoking node selection procedure 1000 (to be discussed below in conjunction with FIG. 10), two nodes, one in graph G' and the other in graph H' as endpoints for edge(i). Lastly, if edge(i) is to be inserted solely within graph H', then decision block directs execution, via path 922, to block 935. Block 935 selects, typically randomly, two nodes in graph H', though with each such node in a different cluster, as endpoints for edge(i). In any instance, a node can be common to two inserted edges. Thereafter, after block 925, 930 or 935 executes, execution proceeds, via corresponding path 936, 938 or 942, to block 945. Also, once appropriate nodal pairs have been selected, in the manner described above, further pairs can be selected by randomly picking a pair of nodes from a union of the graphs G' and H' to yield further edges.

Block 945 selects, for edge(i) and particularly with respect to the location of each node in this edge in the corresponding program flow, an appropriate routine from library 330 (see FIG. 3) that is to be inserted along this edge. Once this routine is selected, execution proceeds to block 950, as shown in FIGs. 9A and 9B. This block, when executed, connects the nodal pair for edge(i) together to effectuate this edge, and selects one of these two nodes in one flow graph as an insertion

point for the selected routine, such that this routine causes minimal, if any, adverse affect on execution flow. Typically, where an inserted routine is to be invoked when program execution reaches one node in a nodal pair, a call (or jump instruction) to that routine will be located at that node but with executable code for that routine being situated at the opposite node in that pair. Once block 950 fully executes, execution proceeds to decision block 955 which determines, based on current contents of counter i , whether all M edges have been defined. Specifically, if the contents have a value less than M , then decision block 955 routes execution, via NO path 957, to block 960. This latter block increments the contents of the counter by one. Thereafter, execution loops back, via path 965, to block 910 to select appropriate flow graph(s) for the next edge, and so forth. Alternatively, if the current value of counter i equals M , then all M edges have been generated; hence, decision block 955 routes execution, via YES path 959, to block 970. This latter block, when executed, provides, as output, single combined flow graph J that through the addition of edges and routines has effectively spliced together graphs G' and H' . Thereafter, execution simply exits from routine 900.

FIG. 10 depicts a flowchart of node selection procedure 1000, which is executed as part of procedure 900 shown in FIG. 9. This procedure implements an illustrative heuristic for selecting two nodes in a nodal pair that is to span graphs G' and H' .

Upon entry into routine 1000 shown in FIG. 10, execution first proceeds to block 1010. This block, when executed, randomly picks a node, U, in cluster flow graph G'. Thereafter, execution proceeds to block 1020. Here, with λ being pre-defined as equaling (a number of edges that are to transit between G' and H')/(a number of edges connected to U), block 1020 randomly selects, with a probability of $1/\lambda$, a node, Y, in graph H'. Then, block 1030 randomly chooses, with a probability of λ , a node, Z other than U, in graph G'. Once this occurs, block 1040 executes to provide, as output, the designations of two nodes Y and Z as a nodal pair. Thereafter, execution exits from procedure 1000.

Nodal pairs may be selected using any one of many different ways, apart from that shown in FIG. 10 and discussed above. Another such way involves using bipartite graphs. In particular, we note here that the graphs G' and H' may have clusters which may be unequal in number. From graph G', pick a pre-determined number of nodes, for each cluster, which need not be all equal. Let the number of nodes be L. Then, similarly pick L' (often a pre-determined number, but possibly given by a probabilistic distribution) nodes from graph H'. Now, construct a random bipartite graph with the L and L' nodes as independent sets and with an average degree of each node being small and pre-determined. Then, add edges among the nodes in both of the independent sets using any standard method of random graph generation, once again keeping the average degree small and, for example,

comparable to the average degree of the nodes in the original graphs G' and H' .

5 The number of edges that connect to U is implied by the process above. Generally speaking, the total number of edges to be added is selected based, generally qualitatively, on how much tamper-resistance is desired while not making code growth too large or a performance penalty too significant. Thus, one must avoid
10 inserting edges into busy sections of unmarked code (e.g., inner body of a loop). Fortunately, such "busy" sections can be readily detected using standard software profiling techniques.

15 Though we described our invention in terms of watermarking software intended for use with a PC, our invention is clearly not so limited in its application. In that regard, the present invention can be used to impart tamper-resistance to any program code designed to
20 execute on nearly any type of computer, not just a PC. Such other types of computers illustratively include workstations, minicomputers, mainframe computers, and specialized computers such as industrial controllers and telephony switching system computers.

25 The various secrets, e.g., the values k , M and λ , as described above, for detecting the watermark may be contained in a secure processor that has secure memory (whose contents can not be altered or inferred) and is
30 capable of secure execution (i.e., it executes given code, in such a way that its execution cannot be

altered). Alternately, this processing can be implemented using O/S features in software. Another possibility is that secure memory and secure execution can be simulated in software such that the protected object will be self-enforcing.

While we have described the inserted routines as providing functionality (operations) required by the protected program and terminating that program if any one such routine were to be removed by a third party adversary, the routines are clearly not so limited in their use. In that regard, one or more of the inserted routines can provide functionality totally unrelated to, having no affect on and completely separate from that provided by the protected program. Such functionality can include restricting access to the protected program or other protected object. See, e.g., that described in co-pending United States patent application "Passive and Active Software Objects Containing Borereresistant Watermarking", serial number 09/315,733, filed May 20, 1999 and assigned to the same assignee hereof, which is incorporated by reference herein.

Use of the present invention advantageously permits a standalone feature, such as a general security function, as implemented by one or more of the routines, to be easily and securely integrated into any non-marked computer program. In fact, many different functions could be added to a single non-marked program.

For example, if the watermark program is an application program designed to execute under a certain operating system(s), then one inserted routine could establish a network connection over, e.g., the Internet, and then transmit, over that connection, a hardware identifier for a user computer to a manufacturer of an operating system then executing on that computer; and then, in return, receive, from the software manufacturer and store in, e.g., and O/S registry, an install identifier containing a signed version of the machine identifier. Another such routine could subsequently access the hardware identifier and compare that identifier to the one contained in the install identifier. If both matched, program execution would proceed unaffected under the O/S. Alternatively, if a mismatch were detected, such as would arise if an image of the O/S were to have been copied to and is now executing on another computer (which would inherently contain a different hardware identifier), then the routine could inform the O/S appropriately and display a warning message and instruct the O/S to cease further execution of any application programs.

Clearly, a myriad number of other standalone security functions and/or other nonsecurity features could be implemented by corresponding routine(s) inserted into non-marked executable code through our inventive watermarking technique. By binding these routines very tightly to the non-marked program and with randomized insertion into and throughout the program, these features will collectively exhibit an extremely complex control

flow. This flow complexity will significantly frustrate
a third party adversary, who uses conventional software
analysis tools, in detecting and circumventing all the
functions and features implemented by the inserted
5 routines.

In addition, though we have described our
inventive technique as utilizing two separate input code
portions and generating a partitioned flow graph for each
10 such portion, our inventive technique, with readily
apparent simplifications, will function in those
situations where only one such input code portion is
used. In this case, edges and accompanying routines
would be inserted along edges defined by randomly
15 selected nodal pairs spanning different (and/or even the
same) clusters in just one partitioned flow graph for
that input code portion. The result would be a watermark
that is likely to be simpler, and hence easier for an
adversary to discern and thus less optimal, than that
20 attained through use of two separate input code portions.
Furthermore, our inventive technique could also be used
to insert edges and routines among more than two separate
input code portions, e.g., three or more, if desired.
However, the complexity of the overall processing to
25 accomplish this result may be excessive for the marginal
benefits that could be gained. In that regard, we
believe that use of two separate input code portions will
suffice to create a watermark that is sufficiently immune
to adversarial detection and circumvention through use of
30 conventional flow analysis techniques.

Moreover, though the flow graphs are described as showing control/data flow on an instruction-based level for an unmarked program and hence insertion of executable routines at an "instructional" level, where security restraints can be considerably loosened, such flow graphs can be based on control/data flow that occurs at a higher level, such as on a block-by-block basis, with each node representing a routine or other execution block formed of a group of instructions, with insertion of such routines occurring at that level.

Furthermore, though we have described our invention in the context of software-implemented objects, whether in the specific context, as described above, of executable software code or as noted above, a data object, such as, e.g., an audio or video file, these objects can also be hardware-related. In that regard, a design of an integrated circuit, such as a dedicated logic chip or other digital processing device that embodies a predefined operational flow, whether it be in a parallel, pipelined or sequential fashion, in which resulting operations and accompanying control/data flow can be graphically depicted as nodes with interconnection edges, can be viewed as such an object and hence encompassed within this term. Through use of a suitable set of library routines, which, in a similar fashion to library of routine(s) discussed above, implement added functionalities and randomized edge addition procedures, such as those discussed above, a resulting graph will be generated such that, from a standpoint of input/output functionality which the chip or device is intended to

implement, is functionally equivalent thereto but
advantageously of significantly increased complexity and
hence significantly increased difficulty to decipher from
analysis of the input/output behaviour of the chip or
5 device. The resulting graph would contain a watermarked
object generated through use of our invention.

Although one embodiment which incorporates the
teachings of the present invention has been shown and
10 described in detail herein, those skilled in the art can
readily devise many other embodiments, modifications and
applications of the present invention that still utilize
these teachings.

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